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File No. 571/48 – I

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P.W

DEPARTMENT
El. **BRANCH**

Subject:— Rating Committee
appointment of —
under section 57 of the
electricity (supply) act 1948

B[K]- 1949

IV

El. Br.

File No. 571/48 – I

Ptd. Secrt. Ship. 21-A

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 571/48 – I

P.W **DEPT.**

EE. **BRANCH.**

References :— ~~Original file is sent to Maharashtra~~

Copies from the Orignal file B[M]

Date.	To whom sent.	Notes and instructions.

Copy of note dated the 16th September 1949, by the Honourable Minister, Public Works Department, on file No. 9891/36/56952-El(I). re: formation of Provincial Electricity Board.

In view of the delay in the constitution of the Provincial Electricity Board, it was decided at an informal meeting of H.Ms. held this morning to appoint a Rating Committee with Mr. P.H.Gunjal, District and Sessions Judge, as Chairman. A registered Accountant would be selected as second member in consultation with H.M.(F.D.) The third member will be Mr. Nadkarni, Exemutive Engg Electrical Engineer to Government, who will be alse its Secretary. A copy of the note circulated amongst H.Ms. in this connection is placed on the file.

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El.Br.(I). 571/38
P.W.D.

Resubmitted.

2. In view of the decision arrived at in the informal meeting of the H.Ms. on 16/9/1949 on the question of the appointment of a Rating Committee vide H.M.,P.W.Ds. note dated the 16/9/49, Mr. P.H.Gungal, Dist. and Sessions Judge and the El.Engr., to Government may be informed as per draft put up for approval. After this draft and the one proposed in the following para are issued, these papers may be submitted to the H.M., F.D. for selecting a registered accountant as a member of the Rating Committee with reference to the H.M., P.W.D.'s note.

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3. Of the remaining two members one is to be nominated by the local Elec.Licensees' Association in accordance with Section 57(4) of the Electy. (Supply) Act 1948. The Assoeciation of Elecl.Undertaking Bombay, Province may therefore be ---

be asked to nominate a member as per draft put up for approval.

4. The fifth member on the committee is to be nominated by the licensee concerned. After the four members as proposed in the foregoing paras. are appointed the licensee concerned in each case will be asked to nominate the fifth member to the committee.

5. The question of remuneration and travelling allowance to the members of the committee is being taken separately vide case III submitted herewith.

Id/-

23/9/49.

Appointment of a Rating Com. will be necessary seen.

Letter to issue to Mr. Gupgal (p.77) also the letter on page 79.

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As regards accompant (accountant) member, H.M. has decided that the following be nominated:

1. Mr. N.G.Shah --- o.n. 128 first line on page 866 following x (Gaz. of India of 2/7/49)

If he declares, then the following is approved in that order.

2. Mr. S.S.Engineer o.n.100, A. on page 858

3. Mr. A.K.S.Aiyar o.n.93 B page 854

Letter to go to Mr. Shah at once see Draft pl.

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Letter.

No.571/38-El(I). Public Works Department,
Bombay Castle,17th Novr.1949.

From

The Secretary to the Government of Bombay,
Public Works Department.

To

P.H.Gunjal, Esquire, B.A., LL.B.,
Retired District and Sessions Judge,
C/o District Court, Belgaum.

Sub:- Appointment of a rating Committee to examine the licensees' charges for the supply of electricity and to recommend thereon to Government.

Dear Sir.

Government had decided to constituye a Rating Committee, under Section 57(2) of the Electricity (Supply) Act, 1948 to examine the licensees' charges for the supply of electricity and to recommend thereon to Government. The Committee is to consist of five members vide Section 57(4) and (5) of the above Act (Copy of Section 57 in full is enclosed) and it will have to work as described above in respect of those licensees who apply to Government for the appointment of a Rating Committee under the Section quoted above and also in cases of licensees whose charges, in Government's opinion, xx require an examination.

2. Government desires to appoint you as the Chairman of this Rating Committee. The Electrical Engineer to Government will be a member of the Committee and also work as its Secretary. Steps to nominate a registered accountant as the 3rd member are being taken. Of the remaining two members one will be nominated by the Association of Electrical Undertakings, Bombay Province, who has been adressed in the matter, and the other by the licensee concerned.

3. The members nominated by Government are to work on the Committee in addition to their own work. The question of the ---

of the payment of remuneration to the members of the Rating Committee is under consideration of Government and you will be informed in the matter in due course.

4. I am to request you to convey your concurrence to the appointment as soon as possible.

Yours faithfully,
Id/-
17/11/49

for Secy. to the Govt. of Bombay,
P.W .Deptt.

D.A. Extract.

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Copy forwarded to the Electrical Engineer to Government for information.

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Thalakwadi Extension,
Belgaum, 20th Novr. 1949.

From

P.H. Gunjal, Esquire, B.A. LL.B.,
Retired District and Sessions Judge, Belgaum.

To

The Secretary to the Govt. of Bombay,
Public Works Department, Bombay.

Sub:- Appointment of a Rating Committee to examine the licenees' charges for the supply of electricity and to recommend thereon to Government.

Dear Sir,

With reference to your letter No.571/48-El(i) dated 17th November 1949, I have the honour to submit my reply as follows:-

At the outset I must express my gratitude to the Government for having desired to appoint me as the Chairman of the proposed Rating Committee. I desire to know the details of the service conditions before I convey my concurrence to my appointment. I want to know the probable ~~during the~~ duration the work of the Rating Committee, the probable ---

probable payment of remuneration to the Chairman per month, and the place of the headquarters. I presume that the headquarters of the Committee will be Bombay; and if so, I shall have to be provided with residential quarters. I request you to furnish the information asked for as soon as possible, to enable me to convey my concurrence to my appointment as the Chairman of the proposed Rating Committee.

Yours faithfully,
Id/-
Retired Dist.and Sess.Judge,
Belgaum.

My present address.
Budhawar Peth,
Thalakwadi, Belgaum 20th Novr.1949.

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El.Br.(I). 571/38 P.W.D.

These papers deal with the appointment of a Rating Committee to examine the licensees' charges for the supply of electricity under Section 57(2) of the Electricity (Supply) Act, 1948.

2. Messrs. P.H.Gunjal and A.K.Phadkar were addressed for ~~th~~ concurrence to their appointment as Chairman of the Committee. Mr. Gunjal has asked for details regarding service conditions, etc., before conveying his concurrence. Mr. Phadkar, however, agrees to his appointment as Chairman without any reservation. It is, therefore, presumed that Mr. Phadkar is to be appointed as Chairman.

This has been done, separately.
Mr.Gunjal may be given in due course a suitable reply.

3. Mr. Shah has agreed to serve on the Committee.

4. The Association of Electrical Undertakings, Bombay Province, has intimated the name of its nominee for appointment on the Rating Committee for Matheran Electric Supply Co. which has applied for the appointment of such a Committee. The Cey. has also suggested its own representative ---

representative on the Committee.

5. Thus the whole personnel so far as the apptt. of a Rating Committee for the Matheran Electric Supply Company is complete and necessary draft orders constituting the Committee are put up in the linked case subject to the confirmation of the presumption in para. 2 above.

6. The question re: the staff required for the Committee is also taken up separately.

7. The only question now to be considered in these papers is the terms of apptt. of the Chairman and the members - vide in this connection paras.2 and 3 of the Secy.'s note dated the 18/11/1949. The Secretary has stated that it will be best to fix the headquarters at Bombay and to appoint the Chairman on monthly pay and others on a fee per meeting plus travelling allowance in case of members coming from outside and in case of meeting held outside Bombay.

8. Mr. Phadkar, Chairman of the Committee, may be given the same pay as he was drawing at the time of retirement. The non-official members of the Advisory Board constituted in 1938 were given each a fee of Rs.40 max per meeting. The same fee may perhaps be paid to the non-official members of the proposed Committee. The Elecl.Engr. is to work on the Committee as ~~xxxx~~ member and secretary. It would perhaps be desirable to give him some honorarium for the extra work he will have to do. The question may, however, be considered if and when he raises it himself.

9. The Chairman and the Elecl. Engineer may be given t.a. as may be admissible to them under the rules as official members may be given t.a. as may be admissible to them under the rules in Appx XLII-A of the B.C.S.Rs.Manual, Vol.II.

10. Please see para. 5 of the H.M.'s note dated 15/9/1949.

A ---

A reference in the matter of authority for payment to the Chairman and the members of the Committee is being made separately to the R.I.A. The consideration of the above ~~ex~~ proposal need not however be delayed on that account.

Id/-
7/12/49. Through E.B.(I).
Id/-
7/12/49.

The work of the committee in respect of Matheran is likely to last some months and there are likely to be about a dozen other references, in response to the Press Note (copy enclosed) which is to issue on 10/12/49. ~~xfxwxxkx~~ It would therefore be best to engage Mr. Phatkar on basis of monthly salary equal to his retiring pay (pension being held in abayance). Mr. Phatkar was employed as Special Judge Kolhapur recently (in August or Sept. 49) and the same terms as fixed by A.D. may be offered to Him.

The fee of Rs. 40/- per effective meeting (and only T.A. for non effective meetings) seems reasonable.

Id/-

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871/48
80977

El.Br.(I). P.W.D.

Resubmitted.

2. The papers may be refd. u.o. to H.D. with a request to furnish the ~~important~~ information refd. to at 'A' of the Secy's note overleaf and to pass on the papers to the F.D.

3. The Deptts. are regreted to treat the case as very urgent.

Id/-
8/12/49.

Id/-
8/12/49.

V.Urgent.

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U.o. to Home and Fin Deptts.

V.Urgent.

u.o. to Home and Finance Deptts. dt. 12/49.

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H.D.(A)

. Where Mr. Phadkar was re-employed as a special judge for Kolhapur, he was allowed to draw such pay as together with his pension was equal to the substantive pay which he last drew.

With this note, the papers may be passed on to the F.D.

Id/-
12/12/49 .

Id/-
13/12 H.D. Id.

u.o.r. to F.D. dt. the 13/12/49(with P.W.D.file No.3055/36 and loose papers).

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Finance Department, 'C'

The P.W.D. prcpcsal may be agreed to subject to the following remarks: -

i) It is presumed that sanction for the creation of the ~~ym~~ post of Chairman has already been obtained.

ii) Mr. Phadkar may be reemployed on a pay which ~~gwgtogether~~ with ~~gwwdt~~ pension will not exceed the last substantive pay before retirement. His pension need not be held in abeyance..

iii) The t.a. of non-official members will be regulated under rules in App. XLII-A of the B.C.S.Rs. Manual as amended from time to time.

Id/-
16/12/49.
Id/-
17/12/49.
Id/-
19/12/49.

U.O.R. to P.W.D. dt, 21/12/49.

* with P.W.D. file 3055/36 E.

El(d) 23/12 .....

571/48.
P.W.D.

El.Br.(I).

It has been decided to constitute a rating committee under the provisions of section 57 of the Ely.(Supplying) Act, 1948 to examine the charges for the supplying of electricity by the Matheran electric supply company. The question of payment of remuneration and travelling expenses to the chairman and members of the committee is under separate consideration. The Ely.(supplying) Act does not seem to contain specific provision for payment of remuneration and T.a. to the members of the Committee. section 78(i) of the Act however authorises proof Govt. to make rules to give effect to the provisions of the Act and Government can perhaps under this provision incorporate directions in the rules for the payment of remuneration to the members of the Rating Committee. The R.E.A. is requested to state very urgently whether this view is correct.

Id/-
7/12/49.

Id/-
7/12/49.

Very Urgent.

u.o. to R.E.A. dt. the 9/12/49.

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The Electricity Supply Act,1948.

Office of the R.E.A.

When power is granted by statute everything indispensable to its exercise is impliedly granted also. (See Maxwell page 310). Power to appoint a Rating Committee under section 57 of the Electricity (Supply)-Act, 1948 implies also power to grant remuneration and allowances to the members of such Committee. It would be possible to regulate the grant of remuneration and allowances to the members of such Committee by rules framed under section 78. ---

78. However, it is presumed that section 78 has not yet come into force. (See section 1(iii) of the Act). If so, no rules can be framed at present under that section for the purpose. It would however be competent for Government to fix by an executive order remuneration and allowances to the members of such Committee pending the framing of rules under section 78. To avoid any further conflict between such fixation and the provisions of rules to be framed hereafter under section 78 it is desirable that Government should in the first instance frame draft rules provisionally under that section (This permissible under section 22 of the General Clauses Act) and fix the remuneration and allowances consistent with those draft rules .

Sd/-
17/12/49.
Remembrancer of legal Affairs.

U.R. to P.W.D.,No.14753, dated the 19th December 1949.

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Rating Committees
Appointed under sub section(2) of section 57 of the Electricity (supply) Act, 1948: Orders regarding remuneration to the Chairman and members of the -

Government of Bombay.
Public Works Department.
Resolution No.571/48.
Bombay Castle (Bombay No.1),
13th January 1950.

Read Government Resolution, No. 571/48(2) dated the 23rd December 1949.

Read Government Resolution, No. 571/48(4), dated the 30th December 1949.

RESOLUTION. Government has nominated Mr. A.K. Phadkar, retired District Judge, as Chairman of the Rating Committee constituted under subsection (2) of section 57 of the Electricity (supply) Act, 1948 to examine the charges--

charges for the supply of electricity by the Matheran Electric Supply Company Limited, and by the Bassein Electric Supply Company, limited - Vide Government Resolutions Nos. 571/48(2) and 571/48(4), dated the 23rd and 30th December 1949, respectively. As more rating Committees are likely to be appointed shortly and it is proposed to nominate Mr. Phadkar as Chairman of all such Rating Committees, Government is pleased to direct that during the period he is employed as chairman of the Rating Committees, he should be given.

(a) such pay per mensem as together her with his pension will equal the substantive pay drawn by him before his retirement as District and Sessions Judge

(b) travelling allowance as may be admissible to him as an official under the rules.

2. The above orders should take effect from the date Mr. Phadkar assumes charge as chairman of the Rating Committee for the Matheran Electric Supply Company, Limited.

3. The non-official members of the Rating Committees, other than those nominated by the Electric Supply Companies, should be granted each a fee of Rs.40 and travelling allowance (if admissible) per effective meeting and only travelling allowance (if admissible) for non-effective meetings. The Chairman of the Committee will decide which meeting is effective or otherwise.

4. Travelling Allowance to non-official members of the Rating Committees, other than those nominated by the Electric Supply Companies, should be regulated under the rules in Appendix XLII-A of the Bombay Civil Services Rules Manual as amended from time to time.

By order of the Govr. of Bombay,
Id. 16/1
(K.V. Joglekar,) Dy. Secy. to Govt.

To

The Finance Department.

The Electrical Engineer to Government.

The Accountant General, Bombay (through the Finance Deptt.).

*Mr.A.K.Phadkar, retired District Judge.

*Mr.N.J.Shah.

*Mr.M.C.Javeri.

*Mr.S.G.Nadkarni.

*By order.

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No. of 1950.

Copy forwarded for information and guidance to -

E.B.(I), to retain a copy of the S.R. pl. issue.

Id/-

16/1/50.

Copy retained, thanks

Id/-

17/1/50.

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P.K.M.

Ravidas